

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In the Matter	:	Chapter 7
	:	Case No. 21-10699 (DSJ)
-of-	:	
KOSSOFF PLLC,	:	<u>AFFIRMATION</u>
	:	
Debtor.	:	

-----X

Objection To Order Authorizing Trustee To Issue Subpoenas And Obtain Testimony And for
Injunctive Relief.

To the Honorable David E. Jones, Jr.,

May It Please The Court,

WALTER MACK affirms as follows:

1. I am the criminal defense attorney for Kossoff PLLC, Mr. Mitch Kossoff and
Tenanttracers. I received late afternoon on Monday, May 24, 2021 a voluminous *ex parte*
application seeking certain extraordinary relief fixated upon Kossoff PLLC, Mr. Mitch Kossoff
and Tenanttracers. I looked in vain in the papers for a single reference to the facts that the Togut
Team has been aware of in excess of ten days that I recite below.

2. I have represented Kossoff PLLC, Mitch Kossoff and Tenanttracers as criminal
defense counsel for well over forty-five days. I have asserted repeatedly to Team Togut that
there are ongoing criminal investigations led by the United States Attorney for the Eastern
District of New York and the Manhattan District Attorney's Office into the conduct of all of the
above-referenced subject parties.

3. The District Attorney executed a search warrant at the Offices of Kossoff PLLC,
Mr. Kossoff and Tenanttracers in mid-April, 2021, and removed voluminous files and computers

directly relevant to the financial affairs of all said parties. Those materials remain in the custody of the District Attorney and have not been returned to Mr. Kossoff since then despite my request. Mr. Kossoff has not had access to these seminal records since the execution of the Search Warrant.

4. Team Togut has known since May 14, 2021, that each of the subjects of the Search Warrant intend to assert their constitutional Fifth Amendment Rights upon any inquiry emanating from Team Togut. The only person who has the knowledge, experience and information concerning these entities is Mr. Kossoff himself. The Togut Team has known since May 14 that I represent these entities or persons. There was absolutely no justification in my opinion to proceed *ex parte* in this application.

5. Furthermore, each of these persons/entities are the subject of Grand Jury Process from the United States Attorney in the Eastern District of New York. As the Togut Team must know, should Mr. Kossoff alter, remove, change or obliterate any document or thing covered by Grand Jury Subpoena, he would be committing a federal crime, which is not going to happen as long as I represent him.

6. Should the Togut Team wish to challenge my representations to Your Honor above, I would be pleased to transmit to the Court the relevant e-mail traffic, the Search Warrants with executed Inventories and copies of the Grand Jury Subpoenas served upon the subjects of Team Togut's submission to this Court.

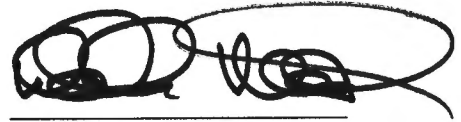
7. I apologize to the Court for my lack of familiarity with bankruptcy proceedings and with any related procedural errors in connection with this submission. Unfortunately, Mr. Kossoff does not have access to the funds to retain appropriate bankruptcy counsel to fashion a

more sophisticated objection to Team Togut's conduct here and its efforts to threaten Mr.

Kossoff with yet another path to contempt and ensuing incarceration.

Thank you for the Court's consideration.

Dated: May 26, 2021
New York, New York

A handwritten signature in black ink, appearing to read 'Walter Mack', written over a horizontal line.

Walter Mack

Walter Mack, Esq.
Doar Rieck Kaley & Mack
Suite 707
217 Broadway
New York, NY 10007
212-619-3730 (telephone)
212-962-5037 (facsimile)